



Austin City Council MINUTES

For MAY 8, 1986 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Frank C. Cooksey
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Treviño's second, approved minutes for regular meetings of April 17 & 24, 1986 & special meetings of April 16, 17, 22, 23 @ 4:00 p.m. & 23 @ 6:00 p.m., 1986. (4-0 Vote, Councilmembers Rose, Humphrey and Urdy not yet in the Council Chamber.)

CITIZENS COMMUNICATIONS

Mr. Ricardo D. Flores and Mr. Enrique Lopez discussed reinstatement of David Mayfield to the Austin Police Department. Affordable housing was discussed by Jay Frank Powell, John Rasco, Ed Wendler Sr., and Jerry Harris. Mr. Jim Butler and Ms. Marcy Goodfleisch did not appear before Council to talk as scheduled. Mr. Robin Mills talked about the South Texas Nuclear Project. Ms. Marilyn Kelso discussed concerns about construction of a Sonic Drive-In at 5109 Stassney/5300 Nuckols Crossing and the lifting of a restrictive covenant to allow such construction at this site. Brother Tony Hearn talked about police oppression of day laborers on 2nd Street and absence of parking meters in 600 block of North Congress.

BARRICADE ORDINANCE

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, passed through SECOND AND THIRD readings of the Barricade Ordinance. (7-0 Vote)

ZONING ORDINANCE

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, passed through SECOND READING of an ordinance amending Chapter 13-2 and 1302A of the Austin City Code (Zoning Ordinance) to cover the following change: (4-3 Vote, Councilmembers Carl-Mitchell, Humphrey and Shipman voted No.)

HAZEL HYDEN	6801 & 6809 Manchaca	From Interim "SF-3"
By William Brown	Road	to "LO"
C14-85-191		

ITEM POSTPONED

Postponed until May 15, 1986 was a resolution to consider authorizing eminent domain proceedings to acquire the following tract of land for the Bee Caves Wood Fire Station project:

- (1) Fee simple title to 1.50 acres out of the Henry P. Hill Survey No. 21, Abstract 14, Travis County, Texas.

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Operating Budget Amendment

Amended the 1985-86 Annual Operating Budget by:

- a. Appropriating \$2,673.00 from the General Fund Ending Balance to Austin Community Nursery Schools to partially fund five additional child day-care slots.
- b. Transferred \$21,513.00 from the General Fund Ending Balance to the City of Austin Sesquicentennial Office to appropriate funds for the International Gathering of the Scottish Clan.

ETJ

Approved releasing approximately 97 acres from Austin's ETJ to Dripping Springs.

Postponed until May 15, 1986, consideration of releasing 15 acres of territory from Austin's ETJ to the City of Buda.

Speed Zones

Amended the Austin City Code to modify the following speed zones:

- a. SECTION: 11-2-100(a) 35 mph
ADD: East St. Elmo Road from east service road of IH-35 to Nuckols Crossing Road
- b. SECTION: 11-2-99(g) (School Speed Zone) 30 mph
ADD: McCarty Lane from Lochinvar Street to Reaburn Street
- c. SECTION: 11-2-99(d) (School Speed Zone) 20 mph
ADD: Lochinvar Street from Barnockburn Drive to McCarty Lane
- d. SECTION: 11-2-99(d) (School Speed Zone) 20 mph
ADD: Tara Drive from Nuckols Crossing Road to Dixie Drive
ADD: Dixie Drive from Tara Drive to 10 feet north of Conti Court
- e. SECTION: 11-2-99(d) (School Speed Zone) 20 mph
ADD: Croftwood Drive from Eskew Drive to Leaffield Drive (south intersection)

Economic Development Commission

Amended Ordinance No. 850725-P relating to the membership and terms of the Economic Development Commission.

Corrections

Amended the following ordinances to correct part three in each ordinance:

- a. Ordinance No. 860306-B (Zoning Case No. C14r-85-178)
 - b. Ordinance No. 860306-C (Zoning Case No. C14r-85-372)
-

Amended the following ordinance to correct the legal description:

- a. Ordinance No. 860417-K (Zoning Case No. C14r-85-365)

Zoning Ordinances

Amended Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes:

- a. CROW-GOTTESMAN-SHAFFER 1817 East Ben White From "GR" to "CS-1"
By Gail Temple Boulevard
C14r-86-013

Second and third readings. First reading on April 3, 1986, (6-0). Councilmember Mark Rose absent. Conditions have been met as follows: Development restricted to that shown on Site Plan attached as Exhibit "A" to the Ordinance.

- b. J. E. REGIENE, ET AL 6604, 6702, 6704 From Interim "SF-2"
By Delk Watson & 6706 Regiene to "LI"
C14-85-220

Second and third readings. First reading on January 9, 1986, (6-0). Mayor Pro Tem John Trevino, Jr. absent. Conditions have been met as follows: Right-of-way on Regiene Road has been conveyed by Street Deed.

- c. SAN GABRIEL, LIMITED 2901-2903 San Gabriel, From "LO", "MF-2"
By Jim Nias 912-916 West 29th & "MF-3" to "GR"
C14-85-303 907-911 West 30th & "SF-3"

Second and third readings. First reading February 13, 1986, (4-0). Mayor Pro Tem John Trevino, Jr., Councilmembers Mark Rose and Charles E. Urdy out of room. Conditions have been met as follows: Development restricted to that shown on site plan attached as Exhibit "A" to ordinance.

- d. SKYLINE ASSOCIATES 11306-11410 North From Interim "RR"
By Holford Group Lamar Boulevard to "GR"
C14-85-149 (part)

Second and third readings. First reading February 6, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- e. UNIVERSITY PAWN LOAN 6502 Lockhart Hwy. From Interim "SF-2"
By Michael Garrison (U.S. 183 South) to "GR"
C14r-85-335

Second and third readings. First reading January 9, 1986, (6-0). Mayor Pro Tem John Trevino, Jr. absent. Conditions have been met as follows: Development restricted to that shown on site plan attached as Exhibit "A" to the ordinance.

- f. TARLETON ASSOCIATES 2100-2220 Walsh From Interim "SF-2"
JOINT VENTURE Tarleton to "GO"
C14-84-474

Heard and granted on June 13, 1985, (6-0). Mayor Pro Tem John Trevino, Jr., absent. Conditions have been met as follows: (1) Restrictive Covenant incorporating conditions imposed by Council has been executed; (2) Right-of-Way on Walsh Tarleton Lane has been conveyed by Street Deed.

- g. PHILIP HOGAN & GINA 2404 Lake Austin From "SF-3" to
HOGAN Boulevard to "LR"
C14-84-416

Heard and granted on February 7, 1985, (6-0). Councilmember Mark Rose absent. Conditions have been met as follows: Development restricted to that shown on Site Plan attached as Exhibit "A" to the Ordinance.

- h. GEORGIA B. LUCAS 5708-5714 S. Congress From Interim "SF-3"
By Daniel W. Nelson Ave. & 100-108 to "GR"
C14-85-131 Ainsworth

Heard and granted on July 11, 1985, (7-0). Conditions have been met as follows: (1) Right-of-way on Ainsworth has been conveyed by Street Deed; (2) Restrictive Covenant incorporating conditions imposed by Council has been executed.

- i. CITY OF AUSTIN 211 East William From "SF-3"
By Emerson-Fehr Cannon Drive "P"
Architects
C14r-85-200

Heard and granted September 5, 1985, (6-0). Councilmember Mark Rose out of room. Conditions have been met as follows: Development restricted to that shown on Site Plan attached as Exhibit "A" to the ordinance.

- j. MILLWOOD JOINT 6104-6298 McNeil From Interim "SF-2"
VENTURE, II Road to "MF-3"
C14-84-022 (Tract 7)

Heard and granted May 3, 1984, (6-0). Councilmember Sally Shipman absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- k. MANCHI REALTY, INC. 7307 Creekbluff Drive From Interim "SF-3"
By Mark Canada to "LO"
C14r-84-467

Second and third readings. First reading on March 7, 1985. Conditions have been met as follows: (1) Restrictive Covenant incorporating conditions imposed by the Council has been executed (2) Development restricted to that shown on Site Plan attached as Exhibit "A" to the ordinance.

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tract of land for the Brodie Lane Phase II project:

- a. Fee simple title to 1,456 square feet of right-of-way out of Lot 1, Block Two (2) of the Kincheon Subdivision, Section (2) in the Theodore Bissell League in the City of Austin, Travis County, Texas for street improvements.

Authorized eminent domain proceedings to acquire the following tract of land for the U.S. Highway 183 improvement project:

- a. 13,306.47 square feet of land, more or less, out of a portion of Lot 2B of the re-subdivision of Lot 2, 183 Park Subdivision in the City of Austin, Travis County.

Drainage Easement

Approved dedication of a portion of City-owned land for a drainage easement. (Request submitted by Public Works Department.)

Lease

Approved leasing 3.365 acres with O.D. Bradsher Jr. for Austin Police Department (Abandoned Auto Storage Facility).

Joint Cooperative Contract Agreements

Approved the following Joint Cooperative Contract Agreements with State Department of Highways and Public Transportation for right-of-way acquisition along:

- a. U.S. Highway 290 from Ranch to Market Road 1826 to Brodie Lane.
- b. U.S. Highway 183 from East of U.S. Highway 290 to State Highway 71.

- c. S.H. 71 from Woodward to Farm to Market Road 973 at
Del Valley.

Release of Easements

Authorized release of the following easements:

- a. The Drainage Easement of record in Volume 7868, Page 863 of the Travis County Real Property Records and located in Lot 1, Block C, Comal Bluff, Section One, William Cannon Drive at Bluff Springs Road. (Request submitted by DDY Consulting Engineers, Inc.)
- b. The Public Utility and Drainage Easement as dedicated in Lot 1, Block C, Comal Bluff, Section I. (Request submitted by DDY Consulting Engineers, Inc.)
- c. The Electric Easement of record in Volume 3310, Page 1756, of the Travis County Real Property Records and located on Maple Run, Section 8. (Request submitted by Carlson & Dippel Surveying Company)
- d. The Drainage Easement on Lot A, Re-subdivision of Mokry and Cameron Subdivision No. 2, 906 Banister Lane. (Request submitted by Mr. Mark S. Green)
- e. The Electric Easement of record in Volume 1917, Page 417 and Volume 2313, Page 212, of the Travis County Real Property Record and located on Lot 1, Spicewood Springs Road Office Park at Spicewood Lane. (Request submitted by Mr. Jon Luce)
- f. A portion of the 10' Public Utility Easement on the common lot line of Lots 2 and 3, Block 4, Brykerwoods F., 3103 Oakmont Blvd. (Request submitted by Mr. Richard N. Funk)

Item Postponed

Postponed until May 15, 1985 the following. It is to be brought back under Ordinances:

The Public Utility Easement retained at the vacation of a portion of Kim Lane in Ordinance No. 850808-L of record in Volume 9413, Page 577, and Volume 9315, Page 428, of the Travis County Real Property Records. (Request submitted by Mr. Jerry Saegert)

Capital Improvements Program

Approved acquisition of right-of-way for the second phase of Circuit 3125, a 345 KV electric transmission line from Lytton Springs Substation to Trading Post Substation. C.I.P. No. 85/13-10. (\$3,000,000.00)

Capital Improvements Program (Continued)

Approved a Community Facilities Contract between the City and Walter Carrington, Trustee, for the Uptown Business Park Subdivision Paving and Drainage Improvements. C.I.P. No. 85/62-64 (\$84,942.00)

Approved a Local Cooperation Agreement with the U.S. Army Corps of Engineers for the Boggy Creek Flood Control Project. C.I.P. No. 79/60-09. (\$10,200,000.00)

Approved a Supplemental Amendment to the Professional Services Agreement between the City of Austin and Parkhill, Smith and Cooper, Inc., for the "Govalle Wastewater Treatment Plant Nitrification Study". C.I.P. No. 73/23-83 (\$50,100.00)

Approved a Supplemental Amendment to the Professional Agreement between the City of Austin and Martinez and Wright Engineers, Inc., for the North Loop 1 (MoPac) extension. C.I.P. Nos. 83/23-05 & 83/22-05. (\$63,300.00)

Item Postponed

The following was postponed. No date set.

- a. Lower Gilleland Creek Wastewater Interceptor (C.I.P. NO. 85/23-18)
- b. Harris Branch Wastewater Interceptor (C.I.P. No. 85/23-17)
- c. Dry Creek North Wastewater Interceptor (C.I.P. No. 85/23-30)
- d. Dry Creek Lift Station & Force Main (C.I.P. No. 85/23-30)
- e. East Ben White Transmission Main (C.I.P. No. 85/22-51)
- f. Elroy Reservoir Transmission Main (C.I.P. No. 85/22-71)
- g. Slaughter Lane Transmission Main (C.I.P. No. 85/22-63)
- h. Central Business District Water & Wastewater Improvements (C.I.P. No's. 85/22-08 & 85/23-08)
- i. Bear Creek Wastewater Interceptor (C.I.P. No. 85/23-29)

Change Orders

Approved the following change orders:

- a. In the amount of \$139,818.67 to GREER CONSTRUCTION COMPANY for East 11th and 12th Street Corridor Drainage Improvements Phase II. (19.35% increase of original contract) C.I.P. No.'s 85/60-03 & 83/22-04
- b. In the amount of \$104,985.00 to STAKER PAVING OF TEXAS for Community Development District (CDD) #8, Phase II. (10.53% increase of original contract) C.I.P. No. 85/62-63
- c. In the amount of \$234,586.00 to FRU-CON CONSTRUCTION CORPORATION for the Davis Water Treatment Plant Hydraulic Improvements. (1.8% increase of original contract) C.I.P. No. 76/22-84
- d. In the amount of \$32,493.55 to AUSTIN ROAD COMPANY for Braker Lane Paving & Drainage Improvements. (0.8% increase of original contract) C.I.P. 80/62-01

Contracts Approved

Approved the following contracts:

Consider approval of the following Contracts:

- | | |
|--|---|
| a. DON E. PHILLIPS, INC.
8000 Blue Goose Road
Manor, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Century Park, Electric Utility
Department
Total \$28,209.90 C.I.P. No.
86/15-01 |
| b. FALCON STEEL COMPANY
4201 Old Denton Road
Fort Worth, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Galvanized Steel Lattice
Transmission Structures, Electric
Utility Department
Total \$46,154.00 C.I.P. No's.
85/13-04 & 83/13-02 |
| c. Bid Award: | - CAPITAL IMPROVEMENTS PROGRAM -
Network Transformers & Protectors,
Electric Utility Department
Total \$932,224.00 C.I.P. 86/15-02 |
| (1) WESTINGHOUSE ELECTRIC
CORPORATION
201 North St. Mary's, Ste. 512
San Antonio, Texas | - Items 1,3, 4, 6-9 - \$608,924.00 |

- (2) POLELINE ELECTRIC SUPPLY, INC.
4111-G Todd Lane
Austin, Texas - Items 2,5 - \$323,300.00
- d. Bid Award: - CAPITAL IMPROVEMENTS PROGRAM -
Watt-hour Meters with Multi-tariff
Registers, Electric Utility
Department
Total \$64,281.75 C.I.P. No.
84/12-04
- (1) PRIESTER, MELL & NICHOLSON
601 East 56th Street
Austin, Texas - Item 1 - \$33,254.75
- (2) WESTINGHOUSE ELECTRIC SUPPLY - Item 1 - \$31,027.00
9230 Research Blvd.
Austin, Texas
- e. GAREY CONSTRUCTION COMPANY, INC.
11607 North Lamar Boulevard
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Hornsby Bend Wastewater Treatment
Plant Improvements, Phase I, Site
Work, Public Works Department
Total \$4,702,546.00 C.I.P. No.
85/23-15
- f. Bid Award: - Trap Rock Aggregate, Public
Works Department
Twelve (12) Month Supply Agreement
Total \$1,142,200.00 86-0143-DC
- (1) WHITE'S MINES, INC.
116 East Travis Street
San Antonio, Texas - Item 1.0 - 1.2
- (2) ODEEN HIBBS TRUCKING CO.
4800 Nixon Lane
Austin, Texas - Back-up for trucking portion only
- g. J. M. TULL
7300 Ardmore
Houston, Texas - Copper Buss Bars, Central Services
& Supply
Total \$42,576.00 86-0192-QM
- h. CAPITOL IMPLEMENT COMPANY,
INC.
445 Bastrop Highway
Austin, Texas - Riding Rotary Mowers, Parks &
Recreation Department
Total \$63,470.25 86-0085-QM/DC
- i. FLEET BODY EQUIPMENT
6900 South IH-35
Austin, Texas - Sixty-six (66) Truck Bodies,
Vehicle & Equipment Services
Department
Total \$653,468.00 86-0169-QM

- j. Bid Award:
- Oils, Greases and Lubricants, Vehicle & Equipment Services Department
Twelve (12) Month Supply Agreement
Total \$115,237.00 86-0165-QM
 - (1) TEXACO, INC.
510 Petroleum Drive
San Antonio, Texas
 - Items 1-3,15,17-18 - \$66,423.00
 - (2) ALLIED SALES COMPANY
5001 East 5th Street
Austin, Texas
 - Items 5-8,11-14,16 & 19
\$48,814.00
- k. RIVER CITY MACHINERY
12949 Research Blvd.
Austin, Texas
 - Vibrating Rollers, Vehicle & Equipment Services Department
Total \$43,050.00 86-0206-QM/QM
- l. JACK JACKSON CONSTRUCTION
13311 Villa Park Drive
Austin, Texas
 - Window Installation at Fire Stations No. 6, 14, 15, & 16
Fire Department
Total \$45,796.25 86-C138-JJ

Grant Application

Authorized submission of a grant application to the Texas State Library for \$23,469.00 for Austin Public Library.

Public Hearings Set

Set public hearings on the following:

- a. Amendment to Sections 13-2A-4350, et. seq. of the Zoning Ordinance relating to the definitions and regulations of sexually-oriented commercial establishments: May 29, 1986 at 3:00 p.m.
- b. Ordinance establishing right-of-way dedication and reservation policy for the City, providing a procedure for waiver of reservation requirements and amending the subdivision ordinance accordingly: May 29, 1986 at 5:00 P.M.
- c. Amending Chapter 13-2A to establish a new zoning district to be called CR, Commercial Recreation: May 29, 1986 at 5:30 p.m.
- d. Limited Purpose Annexation of the Boston Lane (Southwest Parkway) area: June 5 & June 12, 1986 at 3:00 p.m.

CDBG

Postponed until May 15, 1986 is consideration of an additional \$65,000.00 of Community Development Block Grant (CDBG) re-programming funds to the Community Welfare Association for the renovation of the Emily Howson Center.

RECESS

Council recessed its meeting at 2:40 p.m. for an Austin Industrial Corporation meeting and resumed its recessed meeting at 2:45 p.m.

AIDC's COMMUNITY IMPACT POLICY PROGRAMS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution approving action of the Austin Industrial Development Corporation authorizing a professional services contract with the Austin Minority Economic Development Corporation to carry out the AIDC's Community Impact Policy Programs. (7-0 Vote)

TRAFFIC SIGNAL

The Council, on Councilmember Humphrey's motion, Councilmember Rose's second, adopted a resolution approving a traffic signal at the intersection of Burnet Road and Gault Lane and directed it to be submitted to the Highway Department. (7-0 Vote)

RECESS: Council recessed from 3:12 to 3:29 p.m.

WATERSHED ORDINANCE

The Council, on Councilmember Humphrey's motion, Mayor Cooksey's second, passed through THIRD AND FINAL READING of the Comprehensive Watershed Ordinance as amended. (7-0 Vote)

(TRANSCRIPT OF MOTIONS FOR AMENDMENTS AND DISCUSSION IS
ATTACHED AS AN ADDENDUM TO THESE MINUTES.)

EXECUTIVE SESSION

Mayor Cooksey announced Council would enter into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to discuss personnel matters, Board and Commission Appointments - Section 2, Paragraph g. No official action of the City Council will be taken on any of these matters unless such item is specifically listed on the agenda. Mayor Cooksey said they would land acquisition, also.

RECESS

Council recessed for executive session from 6:00 to 7:15 p.m.

BOARD AND COMMISSION APPOINTMENTS

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, approved the following board and commission appointments: (7-0 Vote)

SEE FOLLOWING PAGE.....

Pay Equity Task Force: Steve Leven

Airport Advisory Board: Ken Medders

Arts Commission: Marilyn Holmes, Gladys Weintraub, Charles Guerrero, Melvin Wade, Maurice Coats, Paul Foreman, Helen Frantz, Cynthia Alexander, Jette Campbell, Mollie Tower, Mary Ley, Nadine Eckhardt, Amanda Pearsall, Albert Valle, Daniel Traverso

Cable Commission: Michael Kuhn, Jeff Whittington

Child Care Commission: Dr. Joe Frost, Rev. James Bethell and
Danny Castro

Community Development Commission: Wilbert Williams, Sarah Bentley

Downtown Commission: Joe Wyman-Young, Terry Bray, Laura Touns, Shelly Brisbin, Richard Meyer, Michael Garrison, Jette Campbell, Jacque Bloch, Jay Frank Powell

Waterfront Planning Advisory Board: Jonathan Markley, Jim Nix, Kevin Fleming, Jean Mather, Cynthia Valadez, Monica Schwanitz, Sidney Sanders

LOOP 183 AT LOOP 1 INTERCHANGE

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, adopted a resolution to approve acquisition of right-of-way from U.S. Highway 183 at Loop 1 interchange. CAPITAL IMPROVEMENTS PROGRAM No. 85/62-01. (7-0 Vote)

COMPREHENSIVE PLAN TASK GROUPS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution ratifying the appointment of resource people to four of the Comprehensive Plan Task Groups: (5-0 Vote, Councilmembers Rose and Urdy out of the room.)

LAND USE TASK GROUP

1. Kent Butler - Asst. Professor Community and Regional Planning, UT
2. Susanne Cannon - Chair, Sector 1 Council
3. Larry Gilg - Chair, Development Review Committee, Hyde Park Neighborhood Association.
4. Randy Hankamer - land planning consultant, APA Section President
5. Bob Richardson - principal partner, Richardson/Verdoorn Architects
6. Allen Taniguchi - architect, Taniguchi Architect and Associates

HOUSING TASK GROUP

1. John Lindley - president, The Lindley Group, appraiser and market analyst
2. Ora Lee Nobles - president, Blackshear Neighborhood Development Corporation; juror in the Housing and Community Services Department affordable house design competition.
3. Rick Reynolds - Reynolds & Associates, Small Builder
4. John Street - President, John Street & Associates, Builder & Developer
5. Charles Wurtzebach - Associate Professor, U.T. Finance Department
6. Roger Duncan
7. Tom Hatch

ECONOMIC DEVELOPMENT TASK GROUP

1. Jo Baylor - minority business owner
2. Sam Guzman - Austin Minority Economic Development Corporation
3. Tracye McDaniel - Capital City Chamber of Commerce Executive Director
4. Peter Mills - Austin Chamber of Commerce
5. Jerry Olson - economist
6. Bill Stotesbery - Microelectronics & Computer Technology Corporation
7. Patricia Wilson - Professor, UT Community and Regional Planning Department, steering committee applicant

ENVIRONMENTAL TASK GROUP

1. Dean Ferguson - environmental planner; former Environmental Manager with the Austin Chamber of Commerce; former Assistant Director, Edwards Aquifer Research and Data Center, Southwest Texas State University; MCRP, Harvard, 1980; subcontractor, Walnut Creek Watershed Study.

2. Karen Haschke - League of Women Voters
3. Kathryn Kennedy - botanist, teacher at ACC; long term Environmental Board member, extensive experience with the COA development process; former member of the Town Lake Task Force.
4. Larry Peel - environmentally sensitive builder-developer.
5. Lee Sherrod - ecologist, Espey Huston Inc.
6. Raymond Slade - hydrologist, U.S. Geological Survey
7. Arthur Talley - Sierra Club; engineer, Texas Water Commission
8. Charles Woodruff - geologist, own consultant firm

ITEMS FROM COUNCIL

Postponed until May 15, 1986 is an item from Councilmembers Rose and Humphrey to consider retaining a commercial broker to assist in leasing office space for consolidation of City services and Council Chambers.

Postponed until May 22, 1986 is Councilmember Carl-Mitchell's item to consider Waste Reducation Policy for the City of Austin.

RESOLUTION TO CONGRESS OF THE UNITED STATES

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted a resolution encouraging the Congress of the United States to agree that all elements of the federal budget must be considered before specific programs are reduced. (5-0 Vote, Councilmembers Urdy and Rose out of the room.)

PUBLIC HEARINGS SET

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Terry Irion to set a public hearing on an appeal of the Planning Commission's decision disproving said site plan for Case No. C14p-85-046 at 3:30 p.m. on June 5, 1986. (5-0 Vote, Councilmembers Urdy and Rose out of the room.)

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second approved the request of Alvin J. Golden to set a public hearing on an appeal of the Building Inspection decision regarding permit to allow shooting facility (Austin Skeet Range) located at F.M. 2222 at Loop 360 for May 22, 1986 at 7:00 p.m. (5-0 Vote, Councilmembers Urdy and Rose out of the room.)

LIBERTY LUNCH

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, considered the request of Charles Tesar, dba Liberty Lunch, regarding payment of taxes on property leased from the City and directed the City Manager to direct staff to work out 1985 taxes and cultural arts agreement for 1986-87. (5-0 Vote, Councilmembers Urdy and Rose out of the room.)

HEARING POSTPONED

Postponed until May 15 at 4 p.m. is the public hearing on paving assessment to be levied on Radam Lane, consisting of one unit, covering approximately 1 block. C.I.P. No. 77/62-03.

ZONING HEARINGS

Mayor Cooksey announced Council would hear zoning hearings scheduled for Council decision. Council heard, closed the public hearings and passed through first reading only on several cases, postponed three cases, and approved ordinances through all three readings on two cases. Action is noted after each case.

a. Items continued from previous meetings:

(1)	-85	JODI G.	8226-8240 Georgian	From "GR", "CS" & "O"
	250	WILLIAMSON,	Drive, 112-120	To "CS"
		TRUSTEE	Powell Lane	NO RECOMMENDATION

(APPLICANT WITHDREW "GR" AND "CS";) PASSED THROUGH
FIRST READING ONLY FROM "O" TO "W/LO" WITH ACCESS
TO GEORGIAN DRIVE LIMITED, OR PRECLUDED IF FEASIBLE

(On Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Rose out of the room.)

b. Recommended by the Planning Commission, As Requested:

(2)	r-86	CONCORDE CENTER,	4631 Airport Blvd	From "CS"
	018	INC.	Suite 131	TO "CS-1"
		By Donna Burford		<u>RECOMMENDED</u>
				<u>FIRST READING ONLY</u>
(3)	r-86	TRAMMELL CROW	1801 Slaughter Ln.	From "GR"
	023	COMPANY		To "CS-1"
		CROW-GOTTESMAN-		<u>RECOMMENDED</u>
		SHAFFER #4		<u>FIRST READING ONLY</u>
		By Gail Temple		
(4)	r-86	CROW-PARKLANE,	3407-D Wells Branch	From "GR"
	036	LTD.	Parkway	To "CS-1"
		By Jeff Palko		<u>RECOMMENDED</u>
				<u>FIRST READING ONLY</u>
(5)	r-86	STANLEY J.	877 East Rundberg	From "GR"
	011	WILLIAMS	Lane	To "CS-1"
		By Lucien Hughes		<u>RECOMMENDED</u>
				<u>FIRST READING ONLY</u>

c. Recommended by the Planning Commission As Requested, With Conditions:

- | | | | | |
|-----|-------------|---|---|--|
| (6) | -85
356 | CARSON & ASSOC.,
INC.
By W. T. Carson | 7008-7302 Johnny
Morris Road | From "SF-3"
To "SF-6" (as amended)
<u>RECOMMENDED</u>
<u>FIRST READING ONLY</u> |
| (7) | -86
039 | NASH PHILLIPS/
COPUS, INC.
By Graves,
Dougherty,
Hearon, &
Moody | 12300-12500 Copper-
field Drive
also bounded by
Yager Lane | From "DR"
To "Tr. 1 "MF-3"
"Tr. 2 "SF-6"
"Tr. 3 "SF-6"
RECOMMENDED to grant
as requested with RR
zoning for 100 year
floodplain, subject to
23 units/acre on Tract
1, and additional
conditions as listed
in TIA memo.
<u>FIRST READING ONLY</u> |
| (8) | -86
035 | GEORGE S.
NALLE, III
By Bert Dement
Company | 913-1013 Montebello
Road | From "SF-2"
To "SF-6"
RECOMMENDED to grant
"SF-6" limited to
seven (7) units per
acre (total of 22
units).
<u>FIRST READING ONLY</u> |
| (9) | r-85
135 | AAIG PARTNERSHIP
By Kristaponis,
Gregory & Assoc. | 7907-8007 RM 620 | From "I-RR"
To "LO" (as amended)
RECOMMENDED subject site
plan being revised to
provide for a collector
street; limit the square
footage to 187,200
square feet (0.25
F.A.R.) for the entire
site, and comply with
Landscape and Parking
requirements; if 50%
impervious coverage is
exceeded, then all
reasonable alternatives
must be exhausted by the
applicant before a
variance is approved; |

RE-ADVERTISE FOR "GO" AND BRING BACK
MAY 29, 1986 AT 4:00 P.M.

(On Councilmember Shipman's motion, Mayor Pro Tem Trevino's second,
6-0 Vote, Councilmember Rose out of the room.)

c. Recommended by the Planning Commission As Requested, With Conditions:
(continued)

- (9) r-85 AAIG PARTNERSHIP (continued)
135 By Kristaponis,
Gregory and
Associates

if the F.A.R. is exceeded, then the site plan will require both Planning Commission and City Council approval; and post a letter of credit for 400 feet of left turn frontage on RM 620 during the subdivision process, if required by the State Highway Dept.

- (10) -85 GLENN L. SYNOTT
224 By J.M. Rose

5601-5709 Ainez Dr.

POSTPONED TO 5/29/86

From "I-SF-3"
To Tr. 1 "MF-1"
Tr. 2 "MF-2"
Tr. 3 "MF-3"
Floodplain: "RR"
(as amended)

RECOMMENDED to grant MF-1 (limited density) for Tract 1; MF-2 (low density) for Tract 2; MF-3 (medium density) for Tract 3; & RR for the area in the floodplain, subject to filtration of storm water runoff and fiscal requirements as set out in TIA.

(On Councilmember Urdy's motion, Councilmember Humphrey's second, 5-0 Vote, Mayor Cooksey abstained, Councilmember Rose out of the room.)

FIRST READING ONLY

- (11) -86 JIM WHORTON/
030 ED HARLAN
By Floyd Hill

11218-11220 Jollyville Road

From "SF-2"
To "LO"

RECOMMENDED to grant LO (without ROW condition) with stipulation that staff examine appropriateness of requiring as a condition no occupancy until completion of Jollyville Road improvements or until February 15, 1987, whichever occurs first.

FIRST READING ONLY

(On Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Rose out of the room.)

(12) r-86 DWYER-SANDERS
024 GROUP PARTNERS
By Karen
Steingraber

8516 Old Manor Rd.

From "DR"
To "MF-3"

RR for floodplain
RECOMMENDED to grant
MF-3 (RR for floodplain)
subject to filtration
requirements for parking
area and subject to
ordinance requirements
and departmental
recommendations.

FIRST READING ONLY

(13) r-86 JERALD
031 WINETRAUB, ET AL
By Wm. Terry
Bray

5401 Ben White
Blvd.

From "LI"
To "MF-4"

RECOMMENDED to grant
MF-4 subject to reserv-
ing up to 200' of right-
of-way from centerline
of Ben White Blvd., or
as recommended by the
State Highway Department
and limiting the density
to 32 units per acre.

FIRST READING ONLY

(14) r-86 SAFEWAY STORES,
026 By Cunningham-
Graves, Inc.

804 E. Braker Ln.

From "SF-2"
To "GR"

RECOMMENDED to grant GR
subject to dedication of
up to 50' of right-of-
way from centerline of
Braker Lane and subject
to ordinance require-
ments and departmental
recommendations.

FIRST READING ONLY

(15) r-85 KAC HOLDING
332 COMPANY
By Charles
Alexander, Jr.

1208 South EM 620

From "I-RR"
To "CS"

RECOMMENDED to grant
CS restricted to current
use and LO uses.

POSTPONED AND CITY WILL
RE-NOTIFY WHEN "CR" ZONING
IS APPROVED

d. To be heard by the Planning Commission May 6, 1986, Recommendation to follow:

(16) -86 CITY OF AUSTIN 111 By Office of Land Development Services	8701-9809, 8700- 9808 Glenlake Dr. 3400-3800, 3405- 3805 Far View Dr. All of: Sorrell Cove, Far View Cove, Eagle Rising Cove, Ranch Creek Drive, Turkey Creek Drive, Chalk Stone Cove, Weather- hill Cove, Plantain Cove and Chamisa Dr.	From "DR" & "LA" To "RR" <u>EMERGENCY PASSAGE OF ORDINANCE</u>
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2. SITE PLAN APPROVAL, ORDINANCE AMENDMENT:

a. Recommended by the Planning Commission as Requested, With Conditions:

(1) r-81 TRAMMELL CROW 152 COMPANY By Joe Powers	2210 Ridgepoint Dr.	Site Plan Approval <u>ORDINANCE PASSAGE</u>
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(On Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Rose out of the room.)

ZONING ACTION

The Council, on Councilmember Carl-Mitchell's motion and Councilmember Urdy's second, passed through FIRST READING ONLY of an ordinance granting "GR" on Tract D only. (Remainder will be brought back on May 15, 1986 at 4:00 p.m.) (6-0 Vote, Councilmember Rose was out of the room.)

CONCORD SQUARE
VENTURE
By Kristaponis,
Gregory & Assoc. Inc.
C14-85-202

2301-2363 Douglas
2431-2217 East
Oltorf

From Tr. D "MF-2"
Tr. C - "MF-2"
& "I-SF-3" to
Tr. D - "GR"
Tr. C - "MF-2"

NOT RECOMMENDED
Recommended "GR" on
Tract D, "MF-2" on
Tract C and "RR" for
for floodplain, pro-
hibiting efficiencies
and the connection of
Douglass.

FIRST READING "GR" TRACT D
REST POSTPONED TO 5/15/86
AT 4 P.M.

ZONING HEARING

Mayor Cooksey announced the zoning hearing scheduled for 6:00 p.m. Council heard, closed the public hearing and passed through first reading only of the following:

r-86 OSCAR SNOWDEN
014 INC.
By Coneway &
Assoc.

4803 Harmon Ave.,
4814 N. I.H. 35
Service Road
4814 I.H. 35
(rear)

From "LO", "CS",
"MF-2", "LR", "GR"
To "CS"
NOT RECOMMENDED
RECOMMENDED TO "LO"
Limited Office for
a depth of 175' from
Harmon Avenue and "CS",
Commercial Services
for the balance of the
tract. To disapprove
waiver request

WAIVE SET-BACK AND PASSED
FIRST READING ONLY

(On Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second,
6-0 Vote, Councilmember Rose out of the room.)

CITY MANAGER REPORT POSTPONED

Postponed until May 14, 1986 was the City Manager report
on Pilot Program for Mechanized Collection of Refuse.

ADJOURNMENT

Council adjourned its meeting at 8:50 p.m.

Attachment

D. I b.
5/8/86

I will make the following motion:

The Austin City Council approves on third reading the March 11, 1986 draft of the Comprehensive Watersheds Ordinance with the following amendments:

- ✓ #1 Detention - sedimentation to be added to Section 238 (a) between the words filtration and basins. The same change is to be made in Section 238 (c).
- ✓ #2 Delete Exhibit B and the reference to Exhibit B in Section 238, paragraph B.
- ✓ #3 Section 249 (c) should be revised to change the words "control sediment" to "prevent erosion."
- ✓ #4 Sections 274 (b) and 284 (b) should be revised to state that: "No development, other than that permitted in the Critical Water Quality Zone, is permitted..."
- ✓ #5 Section 250 (a) should be revised to state that: "Sewer lines shall not be located in Critical Water Quality Zones, other than for necessary crossings, except upon approval..."
- ✓ #6 Section 250 (b) should be clarified to state that only alternative systems "which utilize final effluent disposal other than conventional soil absorption drainfields" are permitted over the Recharge Zone.
- ✓ #7 Section 250 should include criteria which:
 - a) provide for forty-eight (48) hours storage capacity for package treatment plants with subsurface effluent disposal, and
 - b) require commercial development to locate necessary disposal areas outside the 40% buffer zone.
- ✓ #8 The term "individual on-site wastewater system" should cross-reference "private sewage facility", the term used by the Health Department. Similarly, the term "drainfields" should be defined and should reference "private sewage facility disposal areas", as per Health Department regulations.

- ✓ #9 The following definitions should be added to Section 203:

23

✓ Catchment Area: The area, defined by topographic relief, which drains to a point recharge or to a critical environmental feature.

✓ Legal Lot: A tract of land that existed in its present configuration prior to the effective date of the City of Austin Subdivision Ordinance.

✓ Net Site Area: That area in the uplands zone, excluding land designated for wastewater irrigation, and then calculated to include all acreage on 0-15% slopes; added to forty (40) percent of the acreage on 15-25% slopes; added to twenty (20) percent of the acreage on 25-35% slope.

ok ✓ Point Recharge Feature: Any cave, sinkhole, fault, joint or other specific natural feature situated over the Edwards Aquifer Recharge Zone which may be demonstrated to transmit or has the potential to transmit a significant amount of surface water into the subsurface strata. Guidelines to identifying and evaluating such features are maintained by the Chief Environmental Officer.

~~count~~
back

✓ Recharge Basin: A man-made structure specifically designed to maintain or enhance the transmission of surface water into the subsurface strata.

- ✓ #10 The appeals provisions of Section 206 be revised to reflect the language adopted by Council in September, 1985. 850919-P c get ord. date

✓ #11 In Section 203 the definition of sinkhole should be revised to read "... which is a potential point of significant recharge."

Delete?

ok #12 Section 244 should be revised as follows: Delete subsection (a) and amend subsection (b) as follows: "Net site area is that area in the uplands zone, excluding land designated for wastewater irrigation, and then calculated to include all acreage on 0-15% slopes; added to forty (40) percent of the acreage on 15-25% slopes; added to twenty (20) percent of the acreage on 25-35% slopes."

change

- ✓ #13 Section 242 should be revised to read: "Projects utilizing wastewater package treatment plants for sewage disposal are recommended to:" Paragraphs (a), (b), and (c) are to remain unchanged.

✓ #14 Section 266 (a) delete the words "or another."

✓ #15 Section 232 (d) (3) shall be revised to read as follows:

self course

"Public and private parks and open spaces, other than for golf courses and parking lots, when a program of fertilizer, pesticide and herbicide use is approved by the Office of Land Development Services; provided, however, that in watersheds designated as Water Supply Rural or where the critical water quality zone lies within the South Edwards Aquifer Recharge Zone, park development is limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, non-motorized biking, and nature walks."

*George's
Lange*

✓ #16 Section 207 shall have a paragraph (m) added that shall read:

"The impervious cover provisions of Part F, Part G, and Part H of this Division shall not apply to any public school district project; and provided additionally, that any public school district projects for sites acquired prior to the effective date of the ordinance shall be exempt from its provisions."

✓ #17 Delete Section 240.

#18 Section 207 of the March 11, 1986 draft shall be deleted and a new Section 207 and Section 208 shall be added. The provisions of the new Sections 207 and 208 are attached to this motion as Exhibit A.

#19 Section 209, reserved in the March 11, 1986 draft, shall be labeled Hardship Provisions, and shall incorporate the provisions in Exhibit B attached to this motion.

#20 Section 285 (b) (1) shall be revised to read as follows:

1. Except as provided by Subsections (c), (d), and (e) below, the proposed impervious cover on the commercial site does not exceed thirty (30) percent of the net commercial site area, or up to thirty-five (35) percent if transfers of development intensity are made in accordance with Section 286 herein; and

Revision

#21 Section 285 (c) shall be revised to read as follows:

Where commercial or multi-family development constitutes a maximum of ~~ten (5%)~~^{ten (5%)} percent of a subdivision with the remainder restricted to other residential or open space uses, impervious cover shall not exceed forty (40) percent of the net commercial site area in the uplands zone, or up to fifty (50) percent if transfers of development intensity are made in accordance with Sec. 286 herein, and subject to the forty (40) percent buffer zone requirement of (b) (2) above.

✓ #22 All references, wherever they may occur in the ordinance, to cave, sinkhole, fault, or joint will be replaced with point recharge feature.

Addition to Watershed Ordinance

Section ~~208~~ 209

Hardship Provisions

5-6-86
Exhibit B

- (a) Any person owning title to property within any of the watersheds to which this ordinance is applicable may request administrative review of the effect of this ordinance upon an individual tract if such review is requested on or before May 1, 1987. 24
- (b) An administrative review shall consist of an analysis by the Office of Land Development Services of the effect of the application of the ordinance upon a tract held in ownership by any person on or before the date of passage of this ordinance to determine:
- (1) The percentage of net development in square feet lost, if any, by virtue of the application of this ordinance to the tract in question as compared with the net development possible under ordinances and available utility service existing on the date of passage of this ordinance.
 - (2) The development configuration most likely to maximize the economic value of the tract under application of the terms of this ordinance.
- (c) In case any tract has its net development in square feet reduced by 50% or more, by application of the terms of this ordinance, the following procedures shall apply:
- (1) The owner of the tract may develop the tract according to the terms of this ordinance, without application of other provisions of this section.
 - (2) The owner may request that the Office of Land Development Services develop a site specific plan to protect water quality utilizing any combination of the provisions contained in Section 231 - 290 of this ordinance, including density controls, impervious cover limitations and structural controls, which shall, in the opinion of the Office of Land Development Services, accomplish substantial protection of water quality in the run-off of water occurring from said tract to any minor, intermediate, or major waterway in any area regulated by this ordinance. In developing such a site specific plan, the Office of Land Development Services shall balance the techniques of water quality protection with the maximization of the economic utilization of the tract in order to achieve the most cost effective plan affording substantial protection of water quality. (The burden of producing all other elements of the plan for the property shall be distributed according to pre-existing requirements.) 3 added

"of impervious
cover in
residential
units"

5-6-86

- (3) Any plan developed by the Office of Land Development Services under paragraph (2) above shall be presented to the person owning such land for approval by such person within sixty (60) days of the request for the development of such plan in order that such plan may be presented to the City Council for adoption. If the owner wishes to present the plan to the City Council for adoption, the plan shall be presented to the Council for adoption by ordinance within thirty (30) days of written acceptance of the plan by the owner.
- (4) The City Council shall consider the plan and action upon the plan shall be approved or disapproved according to the requirements for consideration of ordinances within sixty (60) days following its presentation to the Council by the Office of Land Development Services, following acceptance by the owner.
- (d) This section shall be a remedy available in addition to all other exemptions and remedies provided a person owning title to property under this division.

27

added

I propose the following additional amendment:

Section 250 (e) shall be revised to read as follows:

Projects utilizing wastewater treatment by land application shall have at least seven thousand (7,000) square feet of irrigated land, with a minimum of twelve (12) inches of soil, per living unit equivalent (LUE).

no 20

3. Golf Course Transfers - The following language would revise (underlined) the existing language [brackets] in Sections 266, 276 and 286 to increase transfer provisions for golf courses:

- (d) [Only one-half] Eighty-five percent (85%) of the transfer credit in (b) is permitted for golf courses and other recreational uses which are restored using predominantly native plants and grasses and which provide a plan for minimizing the use and impact of pesticides, herbicides, and fertilizers. [No credit for transfer] Fifty percent (50%) of the transfer credit is permitted for land used for wastewater disposal.

no 21

3. Golf Course Transfers - The following language would revise (underlined) the existing language [brackets] in Sections 266, 276 and 286 to increase transfer provisions for golf courses:

- (d) [Only one-half] Eighty-five percent (85%) of the transfer credit in (b) is permitted for golf courses and other recreational uses which are restored using predominantly native plants and grasses and which provide a plan for minimizing the use and impact of pesticides, herbicides, and fertilizers. [No credit for transfer] Fifty percent (50%) of the transfer credit is permitted for land used for wastewater disposal.

I propose the following additional amendment:

Section 250 (e) shall be revised to read as follows:

Projects utilizing wastewater treatment by land application shall have at least seven thousand (7,000) square feet of irrigated land, with a minimum of twelve (12) inches of soil, per living unit equivalent (LUE).

provided, however,

COMPREHENSIVE WATERSHEDS ORDINANCE

Exemptions

Amendment to Draft of March 11, 1986

Sec. 207. EXEMPTIONS

(a) This Division shall not apply to watersheds defined as "Urban". However, development in Urban Watersheds is subject to the requirements of the Town Lake Critical Water Quality Zone, and all commercial and multi-family development within 500 feet of the 429.0-foot contour of Town Lake must provide sedimentation/filtration basins in accordance with Section 236 of this Division.

(b) Except as provided in subsections (c), (d), and (e), this Division shall not apply to any development for which a preliminary plan, final plat, site development permit, Travis County development permit, zoning site plan, planned unit development, planned development agreement, or development phasing agreement was approved by the applicable governmental authority, prior to the effective date, or a land use plan for an out-of-city MUD was approved by the City Council after a public hearing which occurred prior to the effective date, or a land use plan with permanent zoning for an in-city MUD, which was approved by the City Council prior to the effective date.

(c) This Division shall apply to subdivisions and site developments that were approved before the effective date of this Division and that propose to withdraw water from the South Edwards Aquifer and propose development other than single-family

residential with a maximum density of two units per acre.

(d) Development otherwise exempt under subsection (b) loses³³ its exemption unless, on the effective date or within five years after the effective date of this Division, the development:

(1) has or obtains a site development or building permit;

(2) has or obtains an approved final plat for at least 50 percent of the land area of the development shown on the preliminary plan;

(3) has or obtains permanent zoning tied to a site plan;

(4) is or becomes part of an approved site plan or land use plan for a planned unit development, municipal utility district, planned development agreement, or development phasing agreement.

(e) Even though it is exempt under this section, a commercial or multi-family development with more than 20 percent impervious cover must provide sedimentation/filtration basins in accordance with sections 238 of this Division.

(f) This Division shall not apply to the subdivision of land that proposes a residential density of not more than one, one-family housing unit for every five acres and is appropriately restricted to that residential density.

(g) This Division shall not apply to the resubdivision or reconfiguration of any tract exempted by this division which does not result in an overall increase in density or impervious cover above that on the exempted subdivision or plan. Applicants may change lot sizes and dimensions, roadway alignments, subdivide commercial and multifamily lots into smaller lots, and reallocate impervious cover or transfer density among lots so long as the overall impervious cover and density on the originally approved plan do not increase. In addition, areas reserved for wastewater

irrigation and not restricted against future development may be subdivided and resubdivided when no longer needed for irrigation purposes; provided, however the subdivision or resubdivision of such irrigable area shall be required to comply with this Division. 34

(h) Development exempt from this Division under this section is governed by the applicable watershed ordinance, if any, in effect on the effective date of this Division. Development exempt under subsection (f) is not subject to any watershed ordinance.

(i) The impervious cover limits of Parts F., G., and H. of this Division shall not apply to roadway construction pursuant to a City of Austin Capital Improvements Program if the limits would require the condemnation of adjacent pervious land. Development adjacent to the roadway shall account for the roadway's impervious cover in accordance with Section 243.(e) of this Division.

(j) This Article shall not apply to a legal lot, as defined in Section 13-15-203, provided, however, that the provisions of this Article shall become applicable to such lot in the event that development of the property requires subdivision approval.

(k) This Division shall not apply to the development of any tract of land that was previously exempted from the Lake Travis Watershed Ordinance by specific action of the City Council.

(l) Notwithstanding any other provisions of this section, any final plat approved prior to the effective date of this Division for which a site development permit, building permit or site plan has not been approved within 10 years from the effective date shall be subject to its provisions.

(a) A developer may apply in writing to the Director of Land Development Services to waive some or all of the requirements of this Division, except as provided in subsection (g), if an application for a preliminary plan, major project review, or site development permit for the development was accepted as complete for filing before the effective date of this Division. [Each application must be accompanied by a fee of \$10/acre for the first 1000 acres and \$5/acre for each acre above 1000 acres.] The Director must receive an application for waiver within 90 calendar days after the effective date of this Division or waiver under this section is barred.

(b) The Director of Land Development Services shall review each application for waiver to determine whether the developer in preparing the preliminary plan or site development permit application relied in good faith on the applicable watershed ordinance then in effect and whether the reliance was reasonable and substantial. In making this determination the Director shall consider when the preliminary plan or site development permit application was filed and the time, effort, and money expended by the developer in preparation. The Director shall recommend in writing for or against the requested waiver, based on the determination of reliance. The Director shall forward the recommendation, together with a concise, written explanation of the basis for the recommendation, the waiver application, and the application for a preliminary plan or site development permit, to the Planning Commission within 30 calendar days from the date the waiver application was received.

(c) The Planning Commission shall consider the recommendation at a public hearing within 30 calendar days from the date it receives the recommendation. After the public

hearing the Planning Commission may approve, disapprove, or modify the recommendation, in accordance with the standard described in subsection (b), and the Planning Commission shall forward its written recommendation on the waiver application to the City Council within 75 calendar days after the application was received by the Director of Land Development Services. 36

(d) The City Council shall hold a public hearing on the Planning Commission's recommendation within 30 calendar days after it receives the recommendation. After the hearing the City Council may approve, disapprove, or modify the recommendation in accordance with the standard described in subsection (b). If the waiver is requested for a preliminary plan or site development permit accepted as complete for filing before December 17, 1985, a majority vote of the City Council is required to approve the requested waiver. If the waiver is requested for a preliminary plan or site development permit accepted as complete for filing after December 17, 1985 and before the effective date of this Division, at least ^{a majority of the} [five affirmative] votes of the City Council are required to approve the requested waiver.

(e) A developer has the burden of proving his or her entitlement to the requested waiver before the Director of Land Development Services, the Planning Commission, and the City Council.

(f) A development for which some or all of the requirements of this Division have been waived becomes subject to the waived requirements unless, within five years from the effective date of this Division, the development:

- (1) has or obtains a site development or building permit;
- (2) has or obtains an approved final plat and site plan for at least 50 percent of the land area of the development shown

on the preliminary plan;

(3) has or obtains permanent zoning tied to a site plan;

(4) is or becomes part of an approved site plan or land use plan for a planned unit development, municipal utility district, planned development agreement; or development phasing agreement.

(g) Notwithstanding the approval of a waiver under this section, commercial or multi-family development with more than 20 percent impervious cover must provide sedimentation/filtration basins in accordance with section 238 of this Division.

- 21
#22
- 38
- (1) Change Section 275 (f) and 285 (e) to read: "...of the right-of-way of two intersecting roadways maintained by the State [each designated as a Parkway, Freeway, or Expressway in the Austin Metropolitan Area Roadway Plan, as in effect on January 4, 1966] where such intersections..."

Addition to Watershed Ordinance
Section ~~209~~ 209
Hardship Provisions

5-6-86
Exhibit B

- 39
- (a) Any person owning title to property within any of the watersheds to which this ordinance is applicable may request administrative review of the effect of this ordinance upon an individual tract if such review is requested on or before May 1, 1987.
 - (b) An administrative review shall consist of an analysis by the Office of Land Development Services of the effect of the application of the ordinance upon a tract held in ownership by any person on or before the date of passage of this ordinance to determine:
 - (1) The percentage of net development in square feet lost, if any, by virtue of the application of this ordinance to the tract in question as compared with the net development possible under ordinances and available utility service existing on the date of passage of this ordinance.
 - (2) The development configuration most likely to maximize the economic value of the tract under application of the terms of this ordinance.
 - (c) In case any tract has its net development in square feet reduced by 50% or more, by application of the terms of this ordinance, the following procedures shall apply:
 - (1) The owner of the tract may develop the tract according to the terms of this ordinance, without application of other provisions of this section.
 - (2) The owner may request that the Office of Land Development Services develop a site specific plan to protect water quality utilizing any combination of the provisions contained in Section 231 - 290 of this ordinance, including density controls, impervious cover limitations and structural controls, which shall, in the opinion of the Office of Land Development Services, accomplish substantial protection of water quality in the run-off of water occurring from said tract to any minor, intermediate, or major waterway in any area regulated by this ordinance. In developing such a site specific plan, the Office of Land Development Services shall balance the techniques of water quality protection with the maximization of the economic utilization of the tract in order to achieve the most cost effective plan affording substantial protection of water quality. The burden of producing all other elements of the plan for the property shall be distributed according to pre-existing requirements.

- (3) Any plan developed by the Office of Land Development Services under paragraph (2) above shall be presented to the person owning such land for approval by such person within sixty (60) days of the request for the development of such plan in order that such plan may be presented to the City Council for adoption. If the owner wishes to present the plan to the City Council for adoption, the plan shall be presented to the Council for adoption by ordinance within thirty (30) days of written acceptance of the plan by the owner. 40
- (4) The City Council shall consider the plan and action upon the plan shall be approved or disapproved according to the requirements for consideration of ordinances within sixty (60) days following its presentation to the Council by the Office of Land Development Services, following acceptance by the owner.
- (d) This section shall be a remedy available in addition to all other exemptions and remedies provided a person owning title to property under this division.